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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/511,706	10/15/2004	Norimasa Furukawa	259934US6PCT	2833
22850 7590 05/17/2007 OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER DUNN, DANIELLE N	
			ART UNIT 2809	PAPER NUMBER
			NOTIFICATION DATE 05/17/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

Office Action Summary

Application No.

10/511,706

Applicant(s)

FURUKAWA, NORIMASA

Examiner

Danielle Dunn

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,8 and 10-16 is/are pending in the application.
- 4a) Of the above claim(s) 8 and 10-16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 October 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 2/26/2007.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of Group 1, claims 1 and 2, in the reply filed on 4/23/2007 is acknowledged. The traversal is on the ground(s) that the claims do not present a serious burden to the examiner. This is not found persuasive because this is a restriction requirement under PCT Rule 13.2. US Restriction rules do not apply because this application is a national stage application under 35 U.S.C. 371 of PCT/JP04/01213.

The requirement is still deemed proper and is therefore made FINAL.

Priority

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d).

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 2/26/2007 is not in compliance with the provisions of 37 CFR 1.98. A concise explanation of the relevance, as it is presently understood by the individual designated in § 1.56(c) most knowledgeable about the content of the information, of each patent, publication, or other information listed that is not in the English language should be presented with each foreign patent. The concise explanation may be either separate from applicant's

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specification or incorporated therein. Accordingly, the information disclosure statement is not being considered by the examiner.

Drawings

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "combination of a plurality of backlight units of different shapes" per claim 2, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim 1 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by
Toshiyuki et al. (EP 0 545 429).

Claim 1 (Previously Presented): A backlight being formed by combining a plurality of backlight units (Fig. 27) with respect to a lighting surface (effective emissions surface, 12) for illuminating a back of a video display unit (liquid crystal display, 5) formed by a single panel (Fig. 27), said backlight characterized in that: each of said backlight units comprises a light source (Column 18, lines 8-9), a light reflecting unit (reflection board, 2) which reflects a light emitted from said light source into a predetermined direction (Column 2, lines 33-37), and a light guide plate (light guide, 4) which directs said light incident thereon through said light reflecting unit to go out from said lighting surface; and said backlight units are configured so that said light reflecting units arranged at one end of said light guide plate are formed to be combined in alternate directions (Fig. 26 and 27).

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1. Regarding the claims recitation that the instant invention with a backlight being formed by a plurality of backlight units with respect to a lighting surface being used for illuminating a back of a video display, the applicant is advised that, while the features of an apparatus may be recited either structurally or functionally, claims directed to an apparatus must be distinguished from the prior art in terms of structure rather than function. *In re Schreiber*, 44 USPQ2d 1429. In addition, it has been held by the courts that apparatus claims cover what a device is, not what a device does. *Hewlett-Packard Co. v. Bausch & Lomb Inc.*, 15 USPQ2d 1525 (Fed. Cir. 1990). In this case, the patented apparatus of Toshiyuki et al. discloses (as detailed above) all the structural limitations required to perform the recited functional language, therefore was considered to anticipate the claimed backlight being used to illuminate a back of a video display.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

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4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
8. Claim 2 rejected under 35 U.S.C. 103(a) as being unpatentable over Toshiyuki et al. (EP 0 545 429) and in further view of Winston et al. (US 6,671,452).

Toshiyuki et al. disclose a backlight characterized by being formed by combining a plurality of backlight units with respect to a lighting surface

Toshiyuki et al. do not appear to explicitly disclose backlight units of different shapes.

However, Winston et al. discloses backlights of various shapes (Fig. 2A-2N, 12A-12R).

Toshiyuki et al. and Winston et al. are analogous art because they are from the same field of endeavor, backlights.

At the time of the invention, it would have been obvious to one of ordinary skill in the art, having the teachings of Toshiyuki et al. and Winston et al. before him or her, to modify the backlight unit formed with a plurality of backlights of Toshiyuki et al. to include the various shapes of backlights of Winston et al. because this would ensure that the greatest luminance is obtained.

The suggestion/motivation for doing so would have been to maximize the brightness of the backlight (Winston et al., Column 57, lines 4-5).

Therefore, it would have been obvious to combine Toshiyuki et al. with Winston et al. to obtain the invention as specified in the instant claim(s).

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 5,046,826 teach an illuminator and display panel.

EP 0 308 828 teach an illuminator and display panel.

US 5,040,098 teach a backlight for electronic display.

US 5,438,484 teach a surface lighting device and a display.

US 6,927,812 teach a liquid crystal display including at least two light guiding plates.

US 5,851,411 teach a LCD with a plurality of backlights.

US 5,899,552 teach different shapes of the emitting direction correction element.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Danielle Dunn whose telephone number is 571-270-3039. The examiner can normally be reached on M-F 7:30-5:00 with alternate Friday's off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Assouad can be reached on 571-272-2210. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DND

5/07/2007


N. DREW RICHARDS
PRIMARY EXAMINER